

REMARKS

I. Introduction

This amendment is in response to the non-final Office Action dated August 19, 2009.

Applicants note with appreciation the Examiner's assistance in evaluating the claims of the instant application in the Interview occurring on October 20, 2009.

Applicants also note with appreciation that the Examiner acknowledges that claim 19 is allowable.

Claims 31 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinz et al., U.S. Patent Application Publication No. 2003/0121729, in view of Takahashi et al., U.S. Patent No. 6,419,605, and in further view of Drabot et al., U.S. Patent Application Publication No. 2003/0051948.

Claim 40 is amended herein. No new matter is added by the amendments, which are supported throughout the specification and figures. In particular, the amendment to claim 40 is supported at least at paragraph 0044 of the published specification. Claims 19, 31, and 40 are pending.

II. Rejections Under 35 U.S.C. 103(a)

In order to "establish prima facie obviousness of a claimed invention, ***all claim limitations must be taught or suggested by the prior art.***" (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); emphasis added). Furthermore, "all words in a claim must be considered in judging the

patentability of that claim against the prior art." (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). According to the Supreme Court, "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art," and it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." (*KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007)).

Claim 31 relates to an elevator installation that includes, among other things, an elevator cage, a drive pulley, and at least one support means formed as a flat belt. The elevator installation of claim 31 also includes, among other things:

a drive engine which drives the at least one support means, which carries the elevator cage, by way of the drive pulley, ... wherein ***the spacings (A) between centers of two tensile carriers associated with a rib are not more than 20% smaller than the spacings (B) between the centers of adjacent tensile carriers associated with two adjoining ribs.***

(Emphasis added). Applicants submit none of the prior art references disclose or suggest spacing between tensile carriers as claimed in claim 31. It is unclear which of the three references, Heinz, Takahashi, and Drabot, the Office action relies on as alleged disclosure of this feature (Office action; page 4, bottom). Applicants respectfully request a specific citation in one of the references for this feature, or alternatively that the rejection be withdrawn. The Office Action asserts that the modification is a matter of experimentation and optimization, and that the motivation to modify the cross-sectional area is user comfort and increased uptime (Office action; page 4, top). However, it is unclear that increasing this cross-sectional area provides these purported benefits, and therefore applicants submit that the purported motivation is improper. Applicants therefore submit that claim 31 is allowable.

Claim 40 relates to an elevator installation that includes, among other things, an elevator cage, a drive pulley, and at least one support means formed as a flat belt. The elevator installation of claim 40 also includes, among other things:

a drive engine which drives the at least one support means, which carries the elevator cage, by way of the drive pulley, wherein the support means has, at least on a running surface facing the drive pulley, several ribs of wedge-shaped or trapezium-shaped cross-section which extend parallel in a longitudinal direction of the support means and further has several tensile carriers oriented in the longitudinal direction of the support means, ***the tensile carriers being sized so that a total cross-sectional area of all the tensile carriers amounts to at least 25% of a cross-sectional area of the support means,***

wherein spacings (X) between outer contours of the tensile carriers and surfaces of the ribs are less than 17% of a pitch spacing (T) between the ribs.

(Emphasis added). The Examiner rejects claim 40 as being unpatentable over Heinz and Takahashi in view of Drabot.

Initially, Applicants disagree with the Office Action's conclusions with respect to the obviousness of the cross-sectional area being at least 25% of a cross-sectional area of the support means. The Office Action states that such a feature would be obvious in light of Takahashi's disclosure, but it is not clear that Takahashi discloses a value of 20%, as claimed in the Office Action (page 4, bottom). Applicants respectfully request a citation for this percentage, or a more complete explanation of the calculation performed to reach it, with citations for the underlying data in Takahashi. Additionally, Applicants submit that a disclosure of 20% does not render a claim of 25% obvious. None of the references disclose or suggest the feature of ***a total cross-sectional area of***

all the tensile carriers amounts to at least 25% of a cross-sectional area of the support means, even assuming, for the sake of argument, that Takahashi discloses 20%. Applicants further submit that there is no motivation to modify Takahashi to increase a cross-sectional area by any amount, and therefore the claimed cross-sectional area is not obvious.

Additionally, Applicants submit that the feature of spacings (X) between outer contours of the tensile carriers and surfaces of the ribs are less than 17% of a pitch spacing (T) between the ribs, is not disclosed or suggested by any of the prior art references. This feature is discussed in the specification at paragraph 0044, which states in part “[t]ests have yielded optimum characteristics for wedge ribbed belts in which these spacings X amount to at most 20% of the total thickness s of the support means or at most 17% of the pitch spacing T present between the ribs 20.1, 20.2.” Applicants submit that, since none of the references disclose or suggest this feature of amended claim 40, the claim is allowable for at least this additional reason.

VI. Conclusion

Applicants respectfully request reconsideration of the present application and allowance of all pending claims.

If this communication is filed after the shortened statutory time period has elapsed and no separate Petition is enclosed (or the enclosed Petition is insufficient), the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37

C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our
Deposit Account No. 06-2143.

Respectfully submitted,

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